

Application No. 09/914,658
Amendment Dated January 18, 2005
Reply to Office Action of January 15, 2004

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CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application. Claims 1-30 were pending in this application. Claims 23 and 27 were withdrawn. By this Amendment, claims 1, 4, 5, 6, 9-10, 13-14, and 16 have been amended and claims 18-22, 24, and 28-30 have been canceled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1-17 and 25-26 are pending.

Objections to Specification

In response to the Examiner's assertion that the specification contains nucleotide sequences that are not referred to by SEQ ID NO's, applicants have amended the specification to refer by SEQ ID NO's the nucleotide sequences. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Claim Objections

In response to the Examiner's claim rejections of claims 9 and 10, applicants have referred to SEQ ID NO's for the nucleotide sequences listed in claims 9 and 10.

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Applicants, therefore, respectfully request that the Examiner reconsider and withdraw these objections.

35 U.S.C. 112, second paragraph rejection

In response to the Examiner's indefiniteness rejections, applicants have amended claim 1 to take out the words "high-yield expression," and "overall." In addition, applicants have taken out the phrase "ambisense RNA segment," and the word "regular," from claim 1. In claim 4, applicants have amended claim 4 so that the phrase "standard components," has antecedent basis. In claim 5, the word "improved" has been taken out. Claim 6 has been amended so that there is antecedent basis. Claims 7-10 directly or indirectly depend on claim 6. In respect to the Examiner's assertion that the sequence positions 3, 5, and 8 are not in the context of a larger sequence that is known, applicants have amended the specification to recite SEQ ID NO's for these nucleotide sequences listed on page 11 of the specification. Applicants have also amended claim 13 to take out the phrase, "proteins or artificial polypeptides designed to support an efficient presentation of inherent epitopes." Claim 14 has been amended which now has a step indicating that the viruses are actually made. In response to the Examiner's assertion that claims 18-22, 24-26, and 28-30 lack method steps that show how a recombinant influenza virus is used in the methods, applicants have canceled claims 18-22 and 28-30. Claims 25-26 already have a step showing how the virus is used in the methods.

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Applicants, therefore, respectfully request that the Examiner reconsider and
withdraw these rejections.

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CONCLUSION

Based on the foregoing remarks it is believed that the claim is in condition for
allowance.

Respectfully Submitted,

Norris, McLaughlin & Marcus
875 Third Avenue
18th Floor
New York, NY 10022
Telephone (212) 808-0700
Facsimile (212) 808-0844



Paul Lim
Reg. No. 55,383

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